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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,495	04/11/2001	Minoru Ishida	112857-217	2980

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EXAMINER

AKERS, GEOFFREY R

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 04/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/837495

Applicant(s)

Zschida

Examiner

Thom, G

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 4/11/01
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirements.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2, 4 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. Claims 1-4 are rejected under 35 USC 103(a) as unpatentable over Payne(US Pat. No: 6,449,599) in view of Hutton(US Pat. No: 5,440,479).

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2. As per claim 1, Payne teaches a goods sales system(Abstract) which accepts a purchase order for ordered goods via a communication(Fig 1/12/10)(col 1 lines 53-62) and sends the ordered goods to the recipient using a predetermined method. Payne fails to teach a box for storing the ordered goods. Hutton teaches a method of delivery which may include a box for storing the ordered goods(Fig 6/450). Hutton further teaches key information regarding the medium in which key information indicating that the recipient is a rightful recipient(Fig 7/525) and box user information recording device for recording box user information and information with regard to the predetermined box(Fig 7/560)(col 5 lines 43-45) and a box open and close controlling device for checking the key information with regard to the predetermined box read by the key information reading device(col 5 lines 45-47) and the key information is stored in the box user information recording device(Fig 2/12)(Fig 7/535)(col 5 lines 47-49) . It would have been obvious to one skilled in the art at the time of the invention to combine Payne in view of Hutton to teach the claim and to whereby goods may be delivered to an accessible address in the vicinity of a public transport.The motivation to combine is to

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teach a network sales system providing remote location ordering and delivery of goods as enunciated by Hutton(col 1 lines 35-37).

3. As per claim 2, Payne teaches a goods sales system(Abstract) which accepts a purchase order for ordered goods via a communication(Fig 1/12/10)(col 1 lines 53-62) and sends the ordered goods to the recipient using a predetermined method. Payne fails to teach the key information recording medium is also used as a pre-paid ticket of the public transport. Hutton teaches a method of delivery in which key information indicating that the recipient is a rightful recipient(Fig 7/525) and is shipped to a recipient(Fig 7/560)(col 5 lines 43-45).Hutton further teaches a payment program(Fig 8)(col 6 lines 1-23) for the product and shipping which also includes transaction data confirmation and receipt are printed(col 6 lines 40-44) and which is prepaid at point of shipping. It would have been obvious to one skilled in the art at the time of the invention to combine Payne in view of Hutton to teach the claim.The motivation to combine is to teach a network sales system providing remote location ordering and delivery of goods as enunciated by Hutton(col 1 lines 35-37).

4. Claim 3 is rejected under 35 USC 103(a) as unpatentable over Hutton(US Pat. No: 5,440,479) in view of Kelly(US Pat. No: 5,783,810).

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5. As per claim 3 Hutton teaches a method of delivery which may include a box for storing the ordered goods(Fig 6/450). Hutton further teaches key information regarding the medium in which key information indicating that the recipient is a rightful recipient(Fig 7/525) and box user information recording device for recording box user

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information and information with regard to the predetermined box(Fig 7/560)(col 5 lines 43-45) and a box open and close controlling device for device for checking the key information with regard to the predetermined box read by the key information reading device(col 5 lines 45-47) and the key information is stored in the box user information recording device(Fig 2/12)(Fig 7/535)(col 5 lines 47-49).Hutton fails to teach a box open and closing device operating in accordance with a result of the checking. Kelly teaches an apparatus for tracking goods to a variety of destinations(Abstract) and which utilizes identification indicia(col 4 lines 20-40) known by a central controller(col 4 lines 24-25) and a sorting system whereby goods and destination(including a recipient) utilizing a label can be correlated(Fig 1)(Fig 4)(Fig 5)(Fig 7) and permit contents verification for opening and closing. It would have been obvious to one skilled in the art at the time of the invention to combine Hutton in view of Kelly to teach the claim. The motivation to combine is to teach a goods receiving device used in a system for delivering ordered goods that allows identifying information to be placed on each of the goods at the point of manufacture or shipping(col 3 lines 64-66) and enables beneficial utilization with important information as shipping destination information(col 4 lines 4-7) as enunciated by Kelly.

6. Claim 4 is rejected under 35 USC 103(a) as unpatentable over Payne(US Pat. No: 6,449,599) in view of Hutton(US Pat. No: 5,440,479) and further in view of Kelly(US Pat. No: 5,783,810).

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7. As per claim 4, Payne teaches a goods sales system(Abstract) which accepts a purchase order for ordered goods via a communication(Fig 1/12/10)(col 1 lines 53-62) and sends the ordered goods to the recipient using a predetermined method. Payne fails to teach a box for storing the ordered goods. Hutton teaches a method of delivery which may include a box for storing the ordered goods(Fig 6/450). Hutton further teaches key information regarding the medium in which key information indicating that the recipient is a rightful recipient(Fig 7/525) and box user information recording device for recording box user information and information with regard to the predetermined box(Fig 7/560)(col 5 lines 43-45) and a box open and close controlling device for device for checking the key information with regard to the predetermined box read by the key information reading device(col 5 lines 45-47) and the key information is stored in the box user information recording device(Fig 2/12)(Fig 7/535)(col 5 lines 47-49). It would have been obvious to one skilled in the art at the time of the invention to combine Payne in view of Hutton to teach the claim whereby goods may be delivered to an accessible address in the vicinity of a public transport. The motivation to combine is to teach a network sales system providing remote location ordering and delivery of goods as enunciated by Hutton(col 1 lines 35-37). Also, Hutton fails to teach a box open and closing device operating in accordance with a result of the checking. Kelly teaches an apparatus for tracking goods to a variety of destinations(Abstract) and which utilizes identification indicia(col 4 lines 20-40) known by a central controller(col 4 lines 24-25) and a sorting system whereby goods and destination(including a recipient) utilizing a label can be correlated(Fig 1)(Fig 4)(Fig 5)(Fig 7) and permit contents verification for

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opening and closing. It would have been obvious to one skilled in the art at the time of the invention to combine Hutton in view of Kelly to teach the claim. The motivation to combine is to teach a goods receiving device used in a system for delivering ordered goods that allows identifying information to be placed on each of the goods at the point of manufacture or shipping(col 3 lines 64-66) and enables beneficial utilization with important information as shipping destination information(col 4 lines 4-7) as enunciated by Kelly.


**Conclusion**

**8. THIS ACTION IS MADE NON-FINAL.**

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9. Any questions concerning this communication should be addressed to the examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the primary examiner are unsuccessful, the primary examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

April 3,2004



DR. GEOFFREY R. AKERS, P.E.  
PRIMARY EXAMINER